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SENATE BILL 5158

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State of Washington

64th Legislature

2015 Regular Session

By Senators McCoy and Fraser

Read first time 01/15/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to requiring call location information to be  
2 provided to law enforcement responding to an emergency; adding a new  
3 section to chapter 80.36 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 80.36  
6 RCW to read as follows:

7 (1) A wireless telecommunications provider must provide  
8 information in its possession concerning the current or most recent  
9 location of a telecommunications device and call information of a  
10 user of the device when requested by a law enforcement agency. A law  
11 enforcement agency must meet the following requirements:

12 (a) A law enforcement agency may only request this information  
13 when, in the law enforcement officer's exercise of reasonable  
14 judgment, he or she believes that the individual is in an emergency  
15 situation that involves the risk of death or serious physical harm  
16 and requires disclosure without a delay of information relating to  
17 the emergency.

18 (b) Concurrent to making a request, the responding law  
19 enforcement agency must check the federal bureau of investigation's  
20 national crime information center and any other available databases  
21 to identify if either the person requesting the call location

1 information or the person for whom the call location information is  
2 being requested has any history of domestic violence.

3 (c) Concurrent to making a request, or if the emergency arises  
4 outside of business hours, during the next business day, the  
5 responding law enforcement agency must also check with the secretary  
6 of state's office to identify if either the person requesting the  
7 call location information or the person for whom the call location  
8 information is being requested is participating in the address  
9 confidentiality program established in chapter 40.24 RCW.

10 (d) If the responding law enforcement agency identifies someone  
11 as having a history of domestic violence or as participating in the  
12 address confidentiality program, then the law enforcement agency must  
13 not provide call location information to the individual who requested  
14 the information, unless pursuant to the order of a court of competent  
15 jurisdiction.

16 (e) A law enforcement agency may not request information under  
17 this section for any purpose other than responding to a call for  
18 emergency services or in an emergency situation that involves the  
19 risk of death or serious physical harm.

20 (2) A wireless telecommunications provider may establish  
21 protocols by which the carrier voluntarily discloses call location  
22 information.

23 (3) No cause of action may be brought in any court against any  
24 wireless telecommunications provider, its officers, employees,  
25 agents, or other specified persons for providing call location  
26 information while acting in good faith and in accordance with the  
27 provisions of this section.

28 (4) All wireless telecommunications providers registered to do  
29 business in the state of Washington and all resellers of wireless  
30 telecommunications services shall submit their emergency contact  
31 information to the Washington state patrol in order to facilitate  
32 requests from a law enforcement agency for call location information  
33 in accordance with this section. Any change in contact information  
34 must be submitted immediately.

35 (5) The Washington state patrol must maintain a database  
36 containing emergency contact information for all wireless  
37 telecommunications providers registered to do business in the state  
38 of Washington and must make the information immediately available  
39 upon request to facilitate a request from law enforcement for call  
40 location information under this section.

1           (6) The Washington state patrol may adopt by rule criteria for  
2 fulfilling the requirements of this section.

3           NEW SECTION.   **Sec. 2.** This act may be known and cited as the  
4 Kelsey Smith act.

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